

Israel Goldberg
Efrem Schwalb
GOLDBERG & RIMBERG, PLLC
115 Broadway, Suite 302
New York, New York 10006
Telephone: (212) 697-3250

Attorneys for Defendant Samuel Festinger

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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		:
GEORGE EDRICH,		: No. 1:12-cv-4069 (MKB)(RER)
		:
Plaintiff,		:
		:
-against-		: ANSWER
		:
		: JURY TRIAL DEMANDED
		:
SAMUEL FESTINGER		:
		:
		:
Defendants.		:
-----		X

Defendant Samuel Festinger ("Festinger"), through his undersigned counsel, for his answer to the Complaint in this action ("Complaint"), states as follows:

1. Denies knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 1.
2. Admits the allegations of paragraph 2.
3. Denies knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 3.
4. Denies knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 4.
5. Admits the allegations of paragraph 5, except avers that the judgment was also against seven other parties who have not been sued in this action.

6. Denies knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 6, and respectfully refers the Court to the referenced document for the true and complete contents thereof.

7. Denies the allegations of paragraph 7.

8. Denies the allegations of paragraph 8.

9. Denies the allegations of paragraph 9.

ANSWER TO FIRST CAUSE OF ACTION

10. Denies the allegations of paragraph 10.

AFFIRMATIVE DEFENSES

FIRST AFFIRMATIVE DEFENSE

11. Plaintiff's claim is barred in whole or in part by the doctrine of champerty.

SECOND AFFIRMATIVE DEFENSE

12. The Complaint is barred because Plaintiff has failed to join necessary parties to this action.

THIRD AFFIRMATIVE DEFENSE

13. The Complaint is barred by res judicata.

FOURTH AFFIRMATIVE DEFENSE

14. Plaintiff's claim is barred because the assignment upon which Plaintiff bases his claim was not properly assigned.

FIFTH AFFIRMATIVE DEFENSE

15. Plaintiff's claim is barred because Plaintiff may not extend a judgment as he is not one of the "original parties" to the purported judgment which he is attempting to extend.

SIXTH AFFIRMATIVE DEFENSE

16. The Complaint is barred because a judgment for money cannot be extended.

SEVENTH AFFIRMATIVE DEFENSE

17. The Complaint fails to state a claim upon which relief can be granted.

EIGHTH AFFIRMATIVE DEFENSE

18. Plaintiff's claims are barred by the doctrines of laches, acquiescence, and unclean hands.

NINTH AFFIRMATIVE DEFENSE

19. Plaintiff's claims are barred by the doctrines of waiver and estoppel.

DEFENSES RESERVED

20. Samuel Festinger expressly reserves his right to amend and/or supplement his answer, defenses, and all other pleadings.

JURY DEMAND

21. Festinger hereby demands a jury trial of all issues so triable.

WHEREFORE, Defendant Samuel Festinger respectfully requests that the Court enter a judgment:

- A. In Festinger's favor dismissing George Edrich's claims against him;
- B. Awarding Festinger his reasonable costs and fees, including attorneys' fees; and
- C. Granting Festinger such other and further relief as the Court deems just and proper.

Dated: New York, New York
July 11, 2016

Respectfully submitted,

s/ Efrem Schwalb
Efrem Schwalb, Esq.
GOLDBERG & RIMBERG PLLC
115 Broadway, Suite 302
New York, New York 10006
Phone: (212) 697-3250
ets@grlawpllc.com

Attorneys for Defendant Samuel Festinger